IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 9123 of 2007(S)

PETITIONER:

K.M. JALEEL, AGED 49 YEARS,
S/O. MAMMU, KALLUNGAL HOUSE, VALLUVALLY,
KOONAMMAVU P.O.-683518.

BY ADVS. M/S.KKM.SHERIF, P.A.MOHAMMED ASHROF
LAL K.JOSEPH AND A.A.ZIYAD RAHMAN

RESPONDENTS:

1. STATE OF KERALA, REP. BY GOVERNMENT PLEADER,
HIGH COURT OF KERALA.

2. MOHAMMED SHAFI, AGED 66,
PRESIDENT, DHARUSALAM MADRASSA, S/O.ABDUL RAHMAN,
THALLAKATTU, VALLUVALLY KARA, KOTTUVALLY VILLAGE,
KOONAMMAVU-683 518.

3. ASHRAF, AGED 48,
SECRETARY, DHARUSALAM MADRASSA,S/O.ABDUL RAHMAN,
PUNNAIKKAL, VALLUVALLY KARA, KOTTUVALLY VILLAGE,
KOONAMMAVU-683 518.

4. ABDUL KHADER, AGED 58,
TREASURER, DHARUSALAM MADRASSA, S/O.MOHAMMED,
KALLUNGAL, VALLUVALLY KARA, KOTTUVALLY VILLAGE,
KOONAMMAVU-683 518.

5. THE KERALA WAKF BOARD,
V.I.P. ROAD, KALOOR, COCHIN-682 017,
REPRESENTED BY CHIEF EXECUTIVE OFFICER.

6. K.V. SREEDEVI, W/O.APPUKUTTAN NAIR,
MACHAYATH KIZHAKEPRM KARA, KOTTUVALLY VILLAGE,
PARAVOOR.

BY ADV. SRI.P.A.ABDUL JABBAR, SC, WAKF BOARD
GOVERNMENT PLEADER SMT.K.K.DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE DEED NO.P6/947/01 OF SRO, PARAVOOR.

EXT.P2 TRUE COPY OF THE SALE DEED NO.5566/2006 OF SUB REGISTRAR OFFICE, NORTH PARAVOOR.

EXT.P3 TRUE COPY OF THE W.O.S.13/07 BEFORE THE WAKF TRIBUNAL ON 15.3.2007.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

ahz/

KURIAN JOSEPH & K.T. SANKARAN, JJ.

W.P.(C) NO.9123 OF 2007 S

Dated this the 19th day of March,2007

JUDGMENT

Kurian Joseph, J.

This Writ Petition was moved at a time when there was no sitting in the Wakf Tribunal. Taking note of the urgency as contended by the learned counsel for the petitioner, this Court granted an interim order not to demolish the building, bearing No.11/132 in Sy.No.358/1/2 of Paravoor Village as scheduled in the plaint. Learned counsel for the sixth respondent though sought time to file counter affidavit controverting the averments and allegations contained in the Writ Petition, we do not think it necessary for this Court to go into those matters since the Wakf Tribunal is holding sitting on regular basis from 24th onwards. Therefore, without expressing any opinion on the merits of the case and leaving the contentions open and making it clear that the interim order granted on

16.3.2007 will continue for another two weeks only to enable the parties to seek appropriate orders from the Tribunal, this Writ Petition is disposed of. Even at the risk of redundancy we make it clear that we have not considered the matter on merits.

(KURIAN JOSEPH)
Judge

(K.T.SANKARAN)
Judge

ahz/